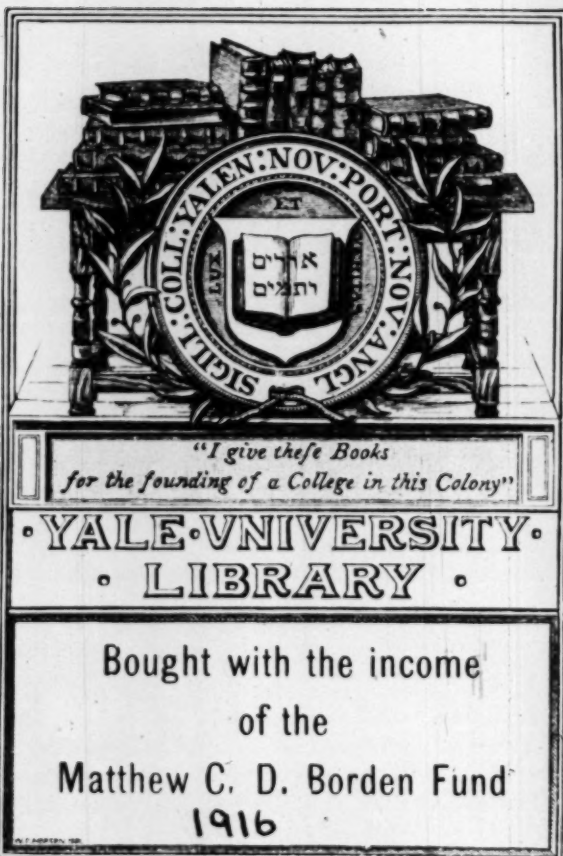


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England's present Case stated.

1659

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ENGLANDS present Case stated,

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A further Remonstrance of many thousands of the Citizens, Housholders, Freemen and Apprentizes of the City of LONDON; agreeing with the sence of the major part of the People of this NATION:

partly occasioned by the late Proclamation for the convening of a Parliament (by the arbitrary Will and power of Charles Lord Fleetwood, Bulstrode Lord Whitlock Desborough, and some others, of the Military Officers at Wallingford House and elsewhere, tending to the utter subversion of the Rights, Liberties and Priviledges of Parliaments, Governments, Laws, Freedoms and Proprieties of the Free people of the Nation) Against which they do protest.

Wherein the arbitrary unparallel'd proceedings of the Army and their adherents, since 1641. to this time, their dissolving of all Parliament Powers and Governments, to perpetuate themselves, are discussed and discovered.

With several serious Proposals and Expedients for the speedy composure of all Interests and Differences, setting the Nation in Peace and Unity upon a righteous Foundation, to prevent the spilling of more English Blood.

Is also a Declaration to live and die with the Generals by authority of Parliament and the City of London, in Defence of the Parliament, Laws, City and Nations, and the Rights, Priviledges, Liberties, Freedoms and Proprieties of the free People against all persons whatsoever that shall Declare or Act against the same; or exercise an arbitrary illegal Power in imprisoning or levying of Taxes, Excise, Custom, Free-quarter, or otherwise without authority of Parliament.

Printed Anno Domini, 1659.

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ENGLANDS *Present Case Stated.*

CHARLS late King of England in the Year 1640. did summon a Parliament consisting of two Houses, of Lords and Commons to do and consent to those things which should happen to be ordained by Common consent of the King, Lords, and Commons, by Common Council of the Realm, concerning certain arduous and urgent affaires touching the Defence, State, Crowns, of the King and his Kingdom, and of the Church of England, To bear faith and true Allegiance to the King, his Heirs, and Successors, and him and them to defend with all rights and jurisdictions annexed and belonging to the Imperial Crown of England, against all attempts and conspiracies whatsoever. Withall, which the Writs themselves, Returns, Oathes, Protestation, League, Covenant, Declarations, Votes and Remonstrances of both Houses of Parliament, submitted unto sworn, & engaged to maintain by all the people of England, besides the Oathes of Supremacy and Allegiance, do agree and solemnly bind them to the performance thereof.

Quer: 1. Who can absolve and nullifie these Oathes by the Laws of God and man and how well the same have been observed by the Army, the Authors of all our troubles, (though many of them have been and continue great professors of, and pretenders to Religion) is submitted to the consideration of the Nations; and whether the Army who were the Authors and Promoters, and forcible Compellers of the breaches thereof, have not committed heinous perjuries, and

involved & people in a National sin not to be pardoned by the
Law of God and Man without cordial contrition and actual
satisfaction and reparation, with amendment of their lives
and conversations for the time to come.

King Charles That commoned the said *Parliament* di-
ed a violent death by the hands of his own subjects & ser-
vants the Army, as an Offendor: some of them decla-
ring against his office, some against his misgovernment,
and promising *Reformation* in Church and State,
wherein we judge the Army the Active, and the
Parliament the Passive power who were forced to
yield unto and comply with them therein.

Quer. 2. Whether those that ruled since under the Army
were not guilty of far more heinous sins and transgressions
then those for which they impeached their *K I P O*.

Quer. 3. Whether they have not since set up a single Per-
son, who with his adherents were guilty of more arbitrar-
iness and tyranny, then the virulency of their Pens and malice
of their Tongues could impeach their lawful Sovereign.

Quer. 4. What *Reformation* have been since wrought
in Church and State as was promised to the *Nations*.

And rather are not the *Nations* Impoverished by the Ambi-
tion, pride and Covetousness, of those that since Usurped
the Supream power having consumed many Millions of Money
besides the spilling the Blood of so many thousands Christi-
an English Freemen, the Arbitrary and wrongful imprison-
ment of their persons, Imbezelling and Robbing them of
their Goods, the Destruction of the Trade, Honour, and In-
terest of the Nations, both at home and abroad, and all these
evils wrought by an Apostatized, Ambitious, Deceitful, over-
ruling part of the Army.

5. Whether by the Death of the late King Charles the
said Parliament (which were called by his writ to consult
and advise with him, being the head and one of the three E-
states which make a Parliament) were ipso facto dissolved.
And whether after his death they had any power to sit or
make Laws which require the royal consent of the King,

for if the head be cut off, how can the Body live or act, and with whom could they treat, consult, or advise?

6. If so, ~~What~~ power Oliver Cromwel or Richard his Son and their adherents (being common Subjects of the Nation) had to call Parliaments or make Laws, since neither of them did pretend Title to the Crown; and therefore may not bear the favourable stile of Usurpers or Kings de facto. But rather ought to bear the names of unparalleled-unpardonable Traitors meriting exemplary condigne punishment de jure, and therefore of what validity are their Acts and Ordinances.

7. What legal power hath Charles Fleetwood, John Lambert, or Bulstrode Whitlock, Desborough, or any others of their confederacie to call a Parliament.

8. If they call a Parliament as souldiers, who will obey them, or how may they be submitted unto without giving up the rights, liberties, and priviledges, and birth-rights of the people of the three Nations to a few inconsiderable persons in Armes; against whom General Monck, Admiral Lawson, the City of London and aswell the two Houses of parliament sitting in 1640. as the remainder of the parliament that last sat do protest against and declare them Rebels and Traytors by the Laws of the Nation, and every one of the said great Bodies, remaining Authorities and powers, appear more considerable and have greater right therein, in the judgement and opinion of the Major part of the people of the three Nations, and greater estates and fortunes to answer for their actions then these few persons that assume to themselves this Regal Magisterial and Legislative power.

9. Consider the ill consequence of the Nations condiscension and submission to such a Call, since it proceeds from a party or faction in an Army who have been the instruments to put their Lawful King to Death; Subverted, Dissolved, and interrupted all that bear the name of Parliaments ever since they left their own Call, and whereunto they have submitted and received their Commissions from them, and in the face of the Nations promised to yield obedience unto them; and all this evil carried on to perpetuate themselves and
post-

posterity in an Arbitrary Military tyrannical power over our lives, persons, and estates, under the many specious false pretences of Reformation, Religion, Freedom, Liberty of conscience, securing our civil and spiritual rights, which they every day destroy and deprive us of, who are now necessitated to call a Parliament for the safety of themselves, or rather nine field Officers, against their own wills and dispositions to amuse and silence the Nation, and hold the hands of the people from executing Gods wrath and vengeance on them until they arm and strengthen themselves with the basest and most sordid sort of the people, in hopes of the plunder of the City and Nation; persons destructive to all Governments, Civil societies, Rights and proprieties, and when they have fortified themselves with these miscreants and hirelings they will according to their wonted practise either dissolve this Parliament now intended to be convened, (if they cannot by their factious partial Sheriffs & sword-men and loose adherents form them according to their own unpermitted, unsettled wills & pleasures.) or otherwise seclude all those that are not for their profit & interest, by colour of their pocket, dormant, exceptions, fundamentals, restrictions, and qualifications, already prepared & to be provided for & purpose notwithstanding their sugered pretence of a Free Parliament, never by them intended, being a constitution (really established) far more destructive to them then the last parliament, whose readmission they fear, well knowing their guilt, and that the Parliament know also how well they keep their Oaths, Faith, and promises according to that old verse Nulla fides pietasque viris qui castra sequuntur. And those that shall have leave to sit shall serve only for these purposes, viz.

1 To passe an act of Indemnity for all their former evill doings, and breaches of faith and trust, and for what ever more Villanies shall be committed by them, or their Party for the time to come, and to have a standing perpetuall Committee, for that purpose.

2 To Vote this Part of the Army that call them, the everlasting Army, to hold and continue, those severall
Military

Military commands now assumed by themselves, and given to one another during their lives, and to intail the same with a Continuando to posterity, being one of their Ungratious, Trayteerous, Shameless Fundamentals.

3 To lay heavy unsupportable Taxes and Impositions on the poor afflicted, oppressed thredbare Nation, now lying under that unsufferable burthen of free quarter, against all Law and Conscience, being one of the great Crimes wherewith they charged the late King, and the Earle of Strafford and others, and took away their Lives on pretence of being guilty thereof; and for which these Arminians, Anabaptistarians, and wicked Traytors ought to die the common death of Traytors, Thieves and Murtherers by the Laws of the Nation.

4. To take away Tyths, Ministers and Ministry, with the Universities, and to bring the Tyths, Church-Revenues, Colledge-pensions, and all Charitable Gifts into a publique Treasury for the maintenance of these Legislators, whilest the Learned Ministers of the Nation go begging; and in their stead to appoint a few Mechanick ignorant Emislaries to preach up the Army Doctrines and Interests after the rate of 20 l. per annum, as they have already practised in Wales, and other remote parts of the Nation.

5. To take away the Law, Professors and profession thereof, & sequester all the rich Offices and places belonging to Courts of Justice, (being the officers Freeholds) into their own hands, under pretence of regulation of the Laws (which they neither understand nor intend to obey) that the Nations may be governed by their own arbitrary wills and pleasures, and nothing left to secure Propriety, Interest, Priviledge, Freedom or Liberty of the people. But the Lord have mercy upon us.

6. To

6. To grant Liberty of Conscience to themselves and all of their own party and no others; to violate all Laws, Oaths, Covenants, Vows, Promises, Protections, Declarations, and all that is called sacred; and to walk after their own pride, lust and avarice: and to grant liberty to all others to labour and work for them as their slaves and vassals, and to endure all manner of ignominious reproches, punishments, imprisonments, poverty and death it self; for which the people shall be bound to pray as the onely remedy to rid them from their unsufferable slavery and bondage.

10. If it may not be yet seasonable to ask that Honorable Person the L. Whillock by what Authority he doth so highly adventure to call a Parliament, whether by Authority of the Army Officers at Wallingford House, or by vertue of the Act, of King, Lords, and Commons, of 16 Car. as Lord Keeper of the great Seal of England, and to consider the consequence thereof and the punishments appertaining to any that shall counterfeit the great Seal and assume to themselves so great an Authority, being as high a Treason as may be.

11. If by power of the Military Officers, then he is desired to consider who gave them Commissions, & whether they that gave them their Commissions & those from whom they derive their Authority, have not been twice interrupted, kept out, and secluded by their dutiful servants, and how perillous it is for his Lordship (being an Eminent member of the Law) to indanger his own Person and Estate, & the Liberties, Laws, and Priviledges of the whole Nation, to satisfie the Lusts, and boundless fickle wills of those Military Changlings, he now seems to serve mainly for self preservation and the Custody of the Seal.

12. If as Lord Keeper, he issues forth writs, then who Commissionated him, sure the King did never impower him, and if he did his Commission determined with his death, whereto he contributed; and we are sure he dare not own a Commission from his Son.

13. If from the Parliament in 1648, 1653, and 1659. Then certainly

certainly either they are a Parliament still or he is no Lord Keeper and why he should bury his Masters and Fellow Members alive a reason is humbly demanded: when as Commissioned by the last Parliament, he had two equally trusted with him by the names of Lords, Commissioners, and not Lord Keepers, viz. the Lord Widdrington, and Lord Keeble who are both alive, And it is not amiss to put his Lordship in remembrance, that Oliver Cromwell did since change these Commissioners, and appointed the Lord Fines and the Lord Lisle, (President of the High Court of Justice) and his Lordship was at last added to them Lord Keepers: And the last Parliament appointed the Lord Bradshaw, Lord Terrill, and Lord Fountain, Lords, Keepers; and how the Lord Whitlock came by the Seal and the single Office of Lord Keeper, is worthy the Inquiry. But how he comes to issue forth Writs for a Parliament to be chosen and held the 24 of January next deserves a greater Examination.

14. If by colour of the Act of 16 Car. Then whether the three years time be not long since elapsed since the first Dissolution of the last Parliament in 1648, or 1653, by the Death of the King: secluding, and interrupting the remaining Members, and some persons deserve to be punished for not issuing forth Writs according to the said Act in so many years elapsed.

15. Whether we are not far Short of the three years if the Act shall be construed to commence from the dissolution of Oliver or Richards last Parliaments, who at the passing of the said Act, had little hopes, or probability to usurp the Regal Legislative Power, at least wise were not intended by King Charles or his Parliament to be their Successors in the Execution of the Legislative Power.

16. If a Parliament be called according to the Act of 16 Car. then no exceptions or Provisions must be made nor any secluded or excluded from discharging their Trusts in Parliament for being new Christened by the names of Cavaliers, Delinquents, Boothonians, Episcoparians, Presbyterians Independents, Anabaptists, Fifth-monarchy-men, Quakers, &c. But it must be a Free Parliament indeed and no person to be exempted, or expelled but for good and legal cause by Judge-

ment of his Fellow Sumoners, and not by a Council of Officers who can hardly hope for pardon from such a Parliament.

17. We must not only by the said Act have a House of Commons, but also a House of Lords, And the King in whose name the Writ must Run, and by his Authority the Parliament called ought to come in to make it a Free and compleat Parliament, and how shall such a parliament be called without a King, and you will say how shall the King (as the case now stands) be called without a parliament, And so by consequence no Parliament no King, no King no free Parliament, no Free parliament no Money, no Money no Army, and at last the Legislative power by Extraordinary providence, may revert, and devolve it self into the hands of the people the first Donors and legal owners thereof, to whom of right it justly belongeth, and from whom all the Legislative power originally was & still ought to be derived.

1. For that the Lord Keepers and Commissioners of the Great Seal, who were by the said Act of the 16. Car. to call triennial Parliaments did not issue forth Writs for that purpose:

2. The Peers and Nobles did not call a Parliament according to that Act whereby they highly violated the trust therein reposed.

3. The Sheriffs violated their trusts, who on Default of the persons aforesaid, were to Summon the Freeholders and Burgesses to choose their Representatives.

4. The people themselves by the said Act (on faile made by all the said persons so intrusted) were to meet at a certain time therein prefixed to choose their Representatives, which they have neglected; whereby the tenor and effect of the said Act hath not been observed and put in force; so that there have been great neglects and failings in all parties and persons concerned and intrusted by the said Act.

Therefore

Therefore for the reconciling of all Parties, composing of all Differences, Reformation of all Abuses, and what is amiss in Church and State, and establishing a firm, lasting, and righteous Settlement, Peace, Unity and Amity in the three Nations. It is humbly proposed as the best expedient to the present exigencies of the Nation.

That the Parliament lately interrupted 13 October last, be invited, encouraged and protected to Sit again, being *de facto* the last remaining authority of the Nation, twice intrusted therewith, and the three Nations submitting thereunto as the supreme authority, from whom all Commissions, Military and Civil, are now derived, and all Writs issue by their act in the Name of the Keepers, &c. and that they doe call in their Fellow Members (secluded by the army) who have not forfeited their places and freedoms (which we submit to the judgement of Parliament) and issue forth Writs for the Election of Knights and Burgesses to fill up all vacant places, whereby the Nations may be governed by their own Representatives in a full and free Parliament whereunto all persons as well as our selves will most readily submit and acquiesce in their Councils & Determinations, which we desire may be effectually employed more particularly for these further ends.

1. To establish a righteous Government and an equal Representative and future Succession of Parliaments, and a prefixed time appointed for the Dissolution of this Parliament.

2. To settle, countenance, and protect a Godly, Learned and Orthodox Ministry in the Nations, with

provision for Liberty of Conscience to others of different opinions and persuasions, and such restrictions as may also prevent the disturbance of the Government in Church and State by abusing the liberty so granted unto them.

3. To regulate the Laws of the Nation, whereby the same may be less chargeable and dilatory to the people then heretofore they were exercised.

4. To secure our Lives, Liberties, Properties, Priviledges, and immunities by a confirmation of *Magna Charta*, and the petition of right and other Laws & such other additional Laws to be made as shall be thought necessary to preserve the Nations from Arbitrary tyranny and oppression.

5. To revive our decayed trade and Navigation, and regain our lost credit, Peace, Traffick, and interest with forrein Princes and States.

6. To indemnifie, and pardon all the Souldiers, and such and so many of their Officers and others, for their many breaches of trusts, and high infringements of the priviledges of Parliament, and known Laws of the Nation, as may be consistent with the future peace of the Nation, and the honor and security of the Parliament against the like attempts for the future.

7. To take all possible speedy and effectual course for satisfying the Arrears of the Army, other then such as shall be exempted from pardon, wherein we submit our selves to their Wisedome, Justice, and Clemency, and that the Nations hereafter may be Governed by the Civil power, by their own Representatives, eased of their great burthens, and taxations, and freed from the former oppression and slavery, the Nation groaned under, the Military and
Arbi-

Arbitrary unlimited powers, lately exercised over them.

8. That the people of the Nation may be intrusted with their own Arms for the publick defence of the Nation, and the Army reduced to such a convenient number as may be useful only for security of the peace of the Nation. And that the Parliament would intrust in places of command, such persons only as are obedient to authority and behave themselves conformable to the commands of the Parliament, and that as much as in them lyeth, persons of unstable Fanatick Spirits, Enemies to civil Governments and of itching dispositions, and principles to change and overturn Governments may not be intrusted with the Arms, Garrisons, Forts, and power of the Nations.

If these things be not speedily granted, and the Lord Whitlock, and such of the Army (who countenance and imploy him to call a *Parliament* by pretence of the order of the *Committee of Safety*, (whose authority we utterly renounce) shall persevere therein after the space of 48 Hours, from the publication hereof,

1. We do hereby protest against their proceedings therein as *arbitrarily, unwarrantable, and trayterously*, done without any colour of Law, and legal Authority, to Delude, Insnare, and Inslave the free people of this Nation, with false pretences of a *Free Parliament*, with an absolute intention in the interim to Lift and Arm the most Vile, Wicked, wretched, poor fordid Sectaries and Vermines of prey in the Nation.

1. To Disarm us. 2. To Murther us. 3. To possess themselves of our Estates, and Fortunes.

2. We

2. We Declare, in case the said *Charles Fleetwood*, Lord *Whitlock* and *Army-Officers*, or any other persons do continue in their evil purposes aforesaid, That we shall not like Dogs bark at, or bite the stone, viz. (the *Redcoat*) But look on the *grand Officers Instruments and carriers on of these Trayterous Designs* against the *Parliament and Nation*; and post and publish their names with their *crimes and punishments* to be inflicted on them, and shall offer and pay 1000 l. sterling for the *HEAD* of every such *grand Traytor* so to be proclaimed and published to any noble *Hero* that shall venture his life to redeem his Country from slavery and bring in the same, with an assurance of other Marks of Honour and Reward to all that shall contribute their assistance therein, being a *legal and warrantable practice* when *Traytors and Malefactors* are become so *strong and hardy* as to protect themselves by *Force* against the *Power of the Laws* of the *Nation* wherein they live.

3. We declare against all persons whatsoever that shall presume to *Tax, Levy, Collect or Gather*, or cause to be Levied or gathered any *Taxes, Impositions Customs, Excise, Sum or Sums of Money* whatsoever by any pretence or to any use whatsoever other then by *Act and authority of Parliament*, and likewise declare against all persons that shall labour to impose free Quarter, on the free people of the *Nation* without their own consents or the consents of the *Representatives of the respective Cities, Towns, and Counties, of England*, in *Parliament Assembled*, And if any shall transgresse herein, we shall deem them *Traytors by the Known Laws of the Nation*, & by

by force resist them, and apprehend their persons ; wherby they may be proceeded against as Traytors, and Rebels, According to the known Laws of the Nation. And we doe invite and incourage all the good people of the Nation, to joyne with us herein and not to pay them any publique or other moneys remayning in their hands, or give obedience to any person or persons that shall require or Demand the same unles by Authority of *Parliament*. And we shall with our lives, and fortunes joyne in the protection and defence of each other against the offenders aforesaid, in endeavouring the effecting of the matters and things herein before declared for.

4. We do further Declare, that we shall with our Lives and Fortunes joyn with and assist the Generals by Authority of *Parliament*, particularly the Lord *Monck*, Admiral *Lawson*, Sir *Arthur Haslrick*, Colonel *Morley*, Col. *Waulton*, Lieut. General *Ludlow*, Major General *Overton*, with the City of *London* & Nation, in defence of the *Parliament*, City, and the Laws and Priviledges thereof, and the Rights, Priviledges, Liberties, Freedoms and Proprieties of the Free people of this Nation, against all persons whatsoever that shal Declare or Act against the same.

F I N I S.